

same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

(d) An obligation to reimburse the United States imposed under subsection (c) is, for all purposes, a debt owed to the United States.

(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c). This subsection applies to any case commenced under title 11 after September 24, 1983.

(f)(1) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

(2) Regulations under this section may require that as a condition of receiving a bonus under this section the person receiving the bonus agree to participate in an annual muster of the Reserves, or in active duty for training, as may be required by the Secretary concerned.

(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1996.

(Added Pub. L. 98-94, title X, §1011(a), Sept. 24, 1983, 97 Stat. 663; amended Pub. L. 98-525, title V, §552(f)(2), Oct. 19, 1984, 98 Stat. 2532; Pub. L. 99-145, title VI, §646(a)-(c), title XIII, §1303(b)(3), Nov. 8, 1985, 99 Stat. 654, 740; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, §612(d), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, §611(d), Oct. 5, 1994, 108 Stat. 2783.)

AMENDMENTS

1994—Subsec. (g). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (g). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (g). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1991—Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing.

1989—Subsec. (g). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (g). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

1985—Subsec. (a)(1). Pub. L. 99-145, §646(b)(1), substituted “for a period of three years, or for a period of six years,” for “for a period of not less than three years”.

Subsec. (b). Pub. L. 99-145, §646(b)(2), designated existing provisions as par. (1), struck out “, except that the amount of such a bonus may not exceed \$900 and shall be paid in equal annual increments”, and added pars. (2) and (3).

Subsec. (e). Pub. L. 99-145, §1303(b)(3), substituted “September 24, 1983” for “the date of the enactment of the Department of Defense Authorization Act, 1984”.

Subsec. (f). Pub. L. 99-145, §646(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 99-145, §646(a), substituted “September 30, 1987” for “September 30, 1985”.

1984—Subsec. (b). Pub. L. 98-525 inserted provision for payment in equal annual increments.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308i of this title occurring on or after that date, see section 612(f) of Pub. L. 103-160, set out as a note under section 308b of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 646(d) of Pub. L. 99-145 provided that: “The amendments made by this section [amending this section and section 308g of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 1011(c) of Pub. L. 98-94, set out as a note under section 308g of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Section 552(f)(1) of Pub. L. 98-525 provided that: “In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.”

COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98-525 and Individual Ready Reserve Reenlistment Bonuses note above, inapplicable to Coast Guard, see section 552(g) of Pub. L. 98-525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 227.

§ 308i. Special pay: prior service enlistment bonus

(a)(1) A person who is a former enlisted member of an armed force who enlists in the Selected Reserve of the Ready Reserve of an armed force for a period of three or six years in a critical military skill designated for such a bonus by the Secretary concerned and who meets the requirements of paragraph (2) may be paid a bonus as prescribed in subsection (b).

(2) A bonus may only be paid under this section to a person who—

(A) has completed his military service obligation but has less than 10 years of total military service;

(B) has received an honorable discharge at the conclusion of military service;

(C) is not being released from active service for the purpose of enlistment in a reserve component; and

(D) has not previously been paid a bonus for enlistment, reenlistment, or extension of enlistment in a reserve component.

(b) The bonus to be paid under subsection (a) shall be—

(1) an initial payment of—

(A) an amount not to exceed \$1,250, in the case of a member who enlists for a period of three years; or

(B) an amount not to exceed \$2,500, in the case of a member who enlists for a period of six years; and

(2) a subsequent payment of an amount not to exceed \$416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in unit training.

(c) A member may not be paid more than one bonus under this section and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.

(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same relation to the amount of the bonus paid to such person as the period that such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

(e) An obligation to reimburse the United States imposed under subsection (d) is, for all purposes, a debt owed to the United States.

(f) Under regulations prescribed pursuant to subsection (h), the Secretary concerned may remit or cancel the whole or any part of an obligation to reimburse the United States imposed under subsection (d).

(g) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section shall not discharge the person receiving such bonus payment from the debt arising under subsection (d). This subsection applies to any case commenced under title 11 after September 30, 1985.

(h) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(i) No bonus may be paid under this section to any person for an enlistment after September 30, 1996.

(Added Pub. L. 99-145, title VI, § 644(a)(1), Nov. 8, 1985, 99 Stat. 652; amended Pub. L. 100-26,

§ 8(d)(4), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 612(d), title XI, § 1136, Oct. 23, 1992, 106 Stat. 2421, 2541; Pub. L. 103-160, div. A, title VI, § 612(e), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, § 611(e), Oct. 5, 1994, 108 Stat. 2783.)

AMENDMENTS

1994—Subsec. (i). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (i). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (c). Pub. L. 102-484, § 1136, inserted before period at end “and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service”.

Subsec. (i). Pub. L. 102-484, § 612(d), substituted “September 30, 1993” for “September 30, 1992”.

1991—Subsecs. (e) to (g). Pub. L. 102-25 struck out “of this section” wherever appearing.

1989—Subsec. (i). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (b)(1)(B). Pub. L. 100-26 inserted a comma after “\$2,500”.

Subsec. (i). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308h of this title occurring on or after that date, see section 612(f) of Pub. L. 103-160, set out as a note under section 308b of this title.

EFFECTIVE DATE

Section 644(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1985.”

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 227.

§ 309. Repealed. Pub. L. 96-107, title IV, § 404(a)(1), Nov. 9, 1979, 93 Stat. 808]

Section, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components.

EFFECTIVE DATE OF REPEAL

Section 404(b) of Pub. L. 96-107 provided that: “The amendments made by this section [repealing this section] shall apply only with respect to administrative functions performed after September 30, 1980.”

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) Under regulations prescribed by the Secretary of Defense, a member of a uniformed